

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF OHIO
3 WESTERN DIVISION
4 - - -
5 Carl G. Simpson, et al., :
6 Plaintiffs, :
7 vs. : Case No. 1-00-0014
8 Intermet Corporation, et al., :
9 Defendants. :
10 - - -
11 Deposition of TED L. LAMBERT, JR., a witness
12 herein, called by the Defendants under the applicable
13 Federal Rules of Civil Procedure, taken before Linda S.
14 Shupe, a Notary Public in and for the State of Ohio,
15 pursuant to notice, at the offices of Taft, Stettinius &
16 Hollister, 21 E. State Street, 12th Floor, Columbus,
17 Ohio, commencing on Monday, May 10, 2004, at 11:00
18 o'clock, A. M.
19 - - -
20
21
22 JANE M. FERRANTE
23 Registered Professional Reporter
24 7089 Violet Veil Court
25 Dublin, Ohio 43016
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27 Equipment & Engineering, Inc., dba CMI
28 Equipment & Engineering, a Defendant.
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1 Monday Morning Session
2 May 10, 2004
3 - - -
4 STIPULATIONS
5 It is stipulated by and among counsel for the
6 respective parties that the deposition of Ted L.
7 Lambert, Jr., a witness herein, called by the Defendants
8 under the applicable Federal Rules of Civil Procedure,
9 may be taken at this time and reduced to writing in
10 stenotypy by the Notary, whose notes thereafter may be
11 transcribed out of the presence of the witness; that
12 proof of the official character and qualification of the
13 Notary is waived; and that the examination, reading and
14 signature of the said Ted L. Lambert, Jr. to the
15 transcript of his deposition are waived by counsel and
16 the witness; said deposition to have the same force and
17 effect as though signed by the said Ted L. Lambert, Jr.
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1 classification, dry sand operator. That was your
2 classification.

3 MS. BRIDE: Thank you.

4 Q. (By Ms. Pryor) Did you receive the dry sand
5 operator certification training?

6 A. No. There was no training for that.

7 Q. So you did not participate in the
8 certification class?

9 A. No. You bid on it according to seniority and
10 they just put it down there and put you on a job. They
11 would take and put you there and tell you how to do it
12 and turn you loose.

13 Q. Were you a member of the union at Internet?

14 A. Sure.

15 Q. What union was it?

16 A. I can't remember the local number,
17 Steelworkers.

18 Q. Were you ever an elected official in the
19 union?

20 A. Wasn't an elected official. I was appointed
21 but not elected.

22 Q. What position were you appointed to?

23 A. I was part of the Safety Committee, Civil
24 Rights Committee, and I was also a shop steward.

25 Q. Who appointed you to those?

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1 A. Dave Vickers.

2 Q. You were on the Safety Committee, the Civil
3 Rights Committee, and a shop steward?

4 A. Yes.

5 Q. How long were you on the Safety Committee?

6 A. Probably about a year.

7 Q. Starting when?

8 A. The last year that the plant was in
9 operation.

10 Q. 1999?

11 A. It was '99 until when they closed down in
12 February of 2000 I believe was when the majority of us
13 came.

14 Q. Had you been on the Safety Committee the
15 entire year of 1999?

16 A. Yes.

17 Q. And what about the Civil Rights Committee,
18 how long were you on that?

19 A. I was on the Civil Rights Committee for
20 two-and-a-half to three years.

21 Q. And when did you start? Were you on that
22 until the --

23 A. Until the time the plant was shut down.

24 Q. And what about, you said you were a union or
25 shop steward?

1 A. Yes.

2 Q. When did you start doing that?

3 A. The beginning of '99 until the plant shut
4 down.

5 Q. What did you do as a shop steward?

6 A. To handle grievances, to try to iron out
7 differences between the company and the union employees.

8 Q. So if someone thought that something wasn't
9 right or was unfair or whatever, they filed a grievance
10 and you would help resolve that?

11 A. They would come to me first and then we would
12 try to meet with the company to solve it. If not, then
13 you go through the grievance procedure.

14 Q. And the Civil Rights Committee, what did you
15 do on that committee?

16 A. Civil Rights? If anybody had a problem with
17 harassment, discrimination, whether it be sexual or
18 whatever.

19 Q. They would come to you again and you would --

20 A. They would come to us and we would try to, if
21 it was between two union employees, we would try to
22 handle, we would try to keep it in-house and handle it
23 ourselves. If it was between the company and union,
24 then we would try to iron it out first; and then if not,
25 then we would take the appropriate steps from there.

1 Q. Do you remember how many grievances you were
2 involved in during your term there?

3 A. I really don't know.

4 Q. Do you have an estimate on how often
5 grievances were filed?

6 A. You could have several grievances filed
7 during a week's time. They didn't always go through the
8 process, the whole process, but they were filed.

9 MR. LAMBERT: When you say "involved," Patty,
10 you mean as a steward basically?

11 Q. Yes, as a steward, not necessarily that you
12 filed, but as a steward that you were involved in or
13 aware of.

14 A. It is hard to say. I mean, we had, you know,
15 100 some odd employees just on that one line. So I
16 mean, I just have no idea to be able to count and tell
17 you how many.

18 Q. You were talking about there could be several
19 grievances filed during a week's time?

20 A. Yes.

21 Q. Was that kind of normal or --

22 A. Yes, that is kind of a normal, yes,
23 industrial workplace. It is going to happen.

24 Q. The Safety Committee, what did you do on the
25 Safety Committee?

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1 A. To try to make the workplace safer.
 2 Q. And again is this something --
 3 A. Whether it be union or company personnel,
 4 just to make, try to make the workplace safer.
 5 Q. The Safety Committee and Civil Rights
 6 Committee, was that just made up of union --
 7 A. No, the Safety Committee had three union
 8 people on it and three company people on it.
 9 Q. If people thought there was a safety issue,
 10 they would come to the Safety Committee?
 11 A. Yes.
 12 Q. And the committee would try to fix it?
 13 A. They would try to fix it. Sometimes you
 14 would have grievances were filed just on safety, so --
 15 Q. In your Affidavit I think you stated that you
 16 were an operator or helper on the Sutters for roughly a
 17 year's time?
 18 A. You know, a year to more than that. It is,
 19 you know, I don't, it would be hard to say. A year or
 20 more. I spent about four-and-a-half years or so on the
 21 I-beam itself, so --
 22 Q. Was there ever a period where you were
 23 regularly on the Sutter machines every day, you come in
 24 and you would be on the Sutter machines?
 25 A. Sure was.

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1 Q. When was that?
 2 A. About, I think, I want to say maybe about
 3 two, three months before the accident, before Carl's
 4 accident.
 5 Q. You said two to three months before September
 6 of 1999?
 7 A. Yes.
 8 Q. Were you working on the day of his accident?
 9 A. Sure was.
 10 Q. Where were you working that day?
 11 A. That day I believe I was actually working out
 12 on the stamping machine that they have for the bed
 13 plates.
 14 Q. Was there any reason why you were not on the
 15 Sutter machines that day?
 16 A. Was there a reason why?
 17 Q. Yes.
 18 A. Oh, yeah, there was a reason why; because I
 19 believe Vickers took me off of them --
 20 Q. Why do you think?
 21 A. -- forcibly.
 22 Q. Why did he take you off of them?
 23 A. Because he said I wasn't keeping up with
 24 production, I was trying to do everything to lock out
 25 and tag out and cleaning procedures and everything the

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1 way it was supposed to be done during the course of a
 2 shift, and they said my production wasn't good enough,
 3 so they took me off of them.
 4 Q. Who was -- Billy Vickers, you said?
 5 A. Billy Vickers, he was the department head.
 6 Q. Over the Sutters or --
 7 A. Over all of I-beam.
 8 Q. When did he take you off of the Sutters?
 9 A. It was a couple of months prior to the
 10 accident, just like I just said here just a couple of
 11 minutes ago.
 12 Q. Couple of months prior to the accident?
 13 A. Yes, a couple of months prior to the
 14 accident.
 15 Q. And what exactly did he tell you when he took
 16 you off of it?
 17 A. He told me my production wasn't high enough,
 18 but there was a grievance filed on that.
 19 Q. You filed a grievance?
 20 A. Sure did.
 21 Q. What did your grievance allege?
 22 A. They had come to me and told me out on the
 23 line that I needed to speed up and get things done
 24 faster. And I was doing them as fast as I humanly
 25 could. But this is a process to lock out. If you do

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1 the lockout/tagout safety process the way you are
 2 supposed to correctly, it takes longer. And they wanted
 3 me to do it faster.
 4 Q. They told you they wanted you to do what
 5 faster, just get production out faster?
 6 A. To get the stickers out faster. More or less
 7 they wanted me to shortcut it; and I won't shortcut it
 8 when it comes to my safety.
 9 Q. Did anyone tell you to shortcut it, or did
 10 they just tell you to get it out faster?
 11 A. They told me I didn't need to do it that way,
 12 a certain foreman told me I didn't need to do it that
 13 way, that I should do it another way and that wasn't the
 14 correct way to do it.
 15 Q. What foreman?
 16 A. Scott Miller.
 17 Q. What did he tell you? What way did he tell
 18 you not to do it?
 19 A. That is the way they were cleaning out the
 20 cope on that day. Actually to clean that out properly
 21 and do it safely, the cope should have been let all of
 22 the way down on the drag, and the drag should have been
 23 pulled all of the way out to the front of the machine
 24 and everything locked down. But they want you to hurry
 25 and get things done faster, and it was common practice

1 lock it down, because it happened quite a bit.
 2 Q. Anyone else besides this guy named Haas that
 3 you can recall?
 4 A. Those were the -- Haas more so than anybody
 5 else. I mean, it happened with all of the foremen
 6 because they wanted, if you didn't lock everything out,
 7 then it didn't take us long to get back up and running
 8 and making molds.
 9 Q. Did they tell you not to turn the power off?
 10 A. Yes. I have been told not to turn the power
 11 off, not to turn the air off. There was three different
 12 things that you had to turn off to correctly lock it
 13 out.
 14 Q. Who told you not to turn the power off?
 15 A. I don't -- I have had Haas tell me not to
 16 turn the power out.
 17 Q. And when did he tell you that? What were you
 18 doing that he told you that you don't need to turn the
 19 power off?
 20 A. I believe that I had the machine all of the
 21 way out in the front, the cope and the drag, and he told
 22 me all I needed to lock out was the air.
 23 Q. So this is when you rolled the pattern out to
 24 the front of the machine?
 25 A. Yes, because there was an air cylinder that

1 pulled it back and forth.
 2 Q. And so when the pattern was completely rolled
 3 out of the machine, he told you you didn't have to lock
 4 out anything other than the air?
 5 A. Yes, yes, because that is what moved the
 6 cylinder. But actually that is when you lock something
 7 out, you lock them all out because they can all be
 8 actuated. I have seen it do, I have seen it start up by
 9 itself with things being locked out.
 10 Q. How did you know that? How do you know that
 11 you need to lock out everything, if you are going to
 12 lock something out, you need to lock out everything; who
 13 told you that?
 14 A. You would want to lock out all sources of
 15 energy that would move the machine. Whether it was
 16 electricity that actuated it and made it move or air or
 17 hydraulics, anything that has to do with the machine
 18 that would make it move, you would want to lock out for
 19 your own safety.
 20 Q. How did you learn that, though? How did you
 21 come to know that that is what you would do? I wouldn't
 22 know that if I necessarily went into a foundry. Was
 23 that part of your training at Internet?
 24 A. We had had training, like you said, there was
 25 an initial lockout/tagout; but I had worked in an

1 industrial setting before I even come there.
 2 Q. What industrial setting did you work in?
 3 A. Inside Dow Chemical.
 4 Q. What did you do at Dow Chemical?
 5 A. We built scaffolds, worked on -- I also
 6 worked in the garage and we worked on vehicles. So any
 7 time you did anything inside of Dow Chemical, no matter
 8 which parts you went to, there was what they call blocks
 9 and they done like they might make this chemical here
 10 and this chemical here and each and every individual
 11 block, no matter where you went to, you were always
 12 trained on lockout/tagout and what that particular
 13 chemical done and what you were to do in case you would
 14 get contaminated.
 15 Q. What kind of machines did you have at Dow
 16 Chemical that you had to lock out and tag out?
 17 A. Mostly there were like elevators and stuff
 18 that were on the side of vessels that we had to make
 19 sure they were locked out; because we couldn't just take
 20 somebody else's word on it. And if we are going to
 21 build something around that machine, we couldn't just
 22 take their word that they, yes, we locked it out. We
 23 had to actually go and physically check it ourselves and
 24 even put our own lock on it.
 25 Q. Now other than when you had rolled the

1 pattern out any other time, anything else that you were
 2 doing when Haas would tell you you don't need to lock
 3 out part of it or any of it?
 4 A. Repeat that again?
 5 Q. Sorry, sure. That wasn't a good question. I
 6 asked you earlier what you were doing when Haas would
 7 tell you you don't need to lock something else and you
 8 said you had rolled the pattern out. Any other thing
 9 that you were doing that he would tell you you don't
 10 need to lock out?
 11 A. I can't pinpoint everything down. There is,
 12 you know, it happened so much as a common practice that
 13 a lot of it wasn't even said that not necessarily me as
 14 an operator, I have worked as a helper, and you know,
 15 and I would myself, I won't work on it if it is not
 16 locked out because I knew better before I even come
 17 there. But a lot of guys they were trained to work on
 18 this stuff without it being completely locked out. They
 19 were showed how to do it. They wouldn't know how to do
 20 it. If they had, you know, if you just come there and
 21 you never worked there, you know, you have to be showed
 22 how to do this stuff in order to know how to get around
 23 it.
 24 Q. Who showed you how to do it?
 25 A. I had seen operators do it.

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1 Q. But who, I guess, trained you on how to run
2 the Sutter and how to clean out stickers?
3 A. Necessarily I worked with several different
4 guys who actually showed me, you know, how to do
5 everything and, you know, who showed me the correct way
6 and then showed me the way that we were expected to do
7 it. There is two different ways.
8 Q. And were these regular operator's helpers or
9 were they supervisors?
10 A. They were regular that we trained, the union
11 or the company trained them and then they, you know, as
12 it goes along they get more people in there, then the
13 union trains itself.
14 Q. So the union members were training each
15 other?
16 A. Yes.
17 Q. Did a company member ever train you?
18 A. I don't believe so.
19 Q. So what you learned you learned from the
20 union workers?
21 A. Yeah, I mean, we taught each other and that
22 is what we were expected to do.
23 Q. Did you teach other operators or helpers?
24 A. Yeah, I have, I have taught other helpers how
25 to use the machine.

1 A. Yes, rolling the pattern out and doing it
2 safely to where you are not in a bind or in a pinch or,
3 you know, where things are actually running.
4 Q. And you also said they would also show the, I
5 guess, a quicker way or what way would they --
6 A. There is quicker ways to go about doing all
7 of that stuff.
8 Q. What was the other way that you saw operators
9 training other operators to do it?
10 A. I have seen them just separate the cope and
11 the drag and lay down on top of the drag and clean the
12 cope.
13 Q. Would they turn the power off first?
14 A. They would turn the power off, just go over
15 there and just turn it off.
16 Q. Have you ever seen anyone climb in between
17 the cope and the drag, putting their head or upper body
18 into the cope in between the cope and drag without
19 having turned the power off?
20 A. Without having turned it off?
21 Q. Yes.
22 A. Me, personally, no.
23 Q. Have you ever worked with Jamie Brammer?
24 A. Jamie, yes.
25 Q. How often did you work with him?

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1 Q. How did you teach them?
2 A. I would always teach them how to do it the
3 correct way. That is the only way in my book is the
4 correct way.
5 Q. And that would include locking it out, all
6 three?
7 A. All three.
8 Q. And for you, would you always pull the
9 pattern out completely?
10 A. If there was something that was to be done in
11 the cope, you know, as far as if I was going to knock
12 the stickers out through the blow tubes, then yes.
13 There is times when you have a sticker in the cope that
14 you would roll out the drag by itself to the front and
15 then lock everything out and you would have to
16 physically get down inside the machine and look up above
17 and clean out the cope.
18 Q. And who taught you how to roll the machine,
19 the pattern out to do that, do you remember?
20 A. Different people. I have had different
21 people in the union show me, just other operators.
22 Q. And you say that some of the operators would
23 train people on both the correct way -- when you say the
24 correct way, does that mean rolling the pattern out in
25 your mind?

1 A. I probably worked with him, you know, not a
2 great deal. I probably worked with him maybe 30 or 40
3 different times, you know, different shifts with a whole
4 shift.
5 Q. I think Jamie testified that he almost always
6 locked out. Would you agree with that?
7 A. Yes, yes, he would lock out.
8 Q. What about Carl Simpson, would he lock out?
9 A. Yes. As far as -- you know, he would always,
10 my helper and I always locked everything out. Actually
11 I would have to look through some paperwork if I could
12 find it. But there was, you're supposed to, if I am not
13 mistaken, the helper -- and we were trying to get this
14 done -- the helper and the operator should both have
15 three locks and three keys. And when you locked
16 everything out, everything should have two locks on it,
17 one for the helper and one for the operator.
18 Q. Now in your Affidavit you talk about having
19 seen the Sutter machines collapse. What does that mean?
20 A. I have seen the cope fall down on top of the
21 drag. I have seen the gashead fall on top of the cope,
22 cylinders go bad or a limit switch or something would go
23 bad and it would just thump.
24 Q. So if something of a valve or switch went
25 bad, that is what would happen?

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1 A. No, I have never seen it, no.
 2 Q. In your Affidavit you mention something about
 3 pinch points being created by leaking hydraulics. What
 4 do you mean by that?
 5 A. Pinch points being created by leaking
 6 hydraulics?
 7 Q. Yes. You said the Sutter machines'
 8 hydraulics would leak, creating pinch points even while
 9 in shutdown phase. What did you mean by that?
 10 A. Pinch points by hydraulics leaking down?
 11 Q. Uh-huh.
 12 A. Well, if it is supposed to be up and it leaks
 13 down, then if you were there, then it would create a
 14 pinch point.
 15 Q. Where would the pinch point be created?
 16 A. My opinion, it would be underneath of it if
 17 it was falling down, if it was coming down on you.
 18 Q. What would be --
 19 A. You've got rails and stuff there, you have
 20 got beams and everything else that is all in there. If
 21 the pattern comes down, if you are working on it, then
 22 the wheels could pinch you, anything like that, there is
 23 -- if the cope would come down on, if you had it locked
 24 up, which actually when you raise the cope up you are
 25 supposed to put bars underneath of it, and that would

1 there was one on each machine or one for every two
 2 machines, but --
 3 Q. If people reported it, did maintenance come
 4 in and fix it?
 5 A. Yeah, they would come in and fix it, yeah.
 6 But you would find leaks everywhere. It is just, you
 7 know, moving parts and the hoses and stuff wear out; but
 8 you know, you always have leaks on them.
 9 Q. When you say leaks, you mean you saw
 10 hydraulics fluid somewhere?
 11 A. Yeah, I have reported it myself.
 12 Q. Was it fixed, to your knowledge?
 13 A. Yes.
 14 Q. Let's talk about light curtains. Did you
 15 ever see the light curtains installed prior to Simpson's
 16 accident?
 17 A. Those were taken off before I ever started.
 18 They were never in use.
 19 Q. Do you have any knowledge about when they
 20 were installed or --
 21 A. I have no idea.
 22 Q. Did anyone from management ever talk to you
 23 about the light curtains?
 24 A. They were not there. They were not existent.
 25 Q. Do you know what a light curtain is?

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1 keep it from coming down on you. But it didn't always
 2 happen that way. And if it started to leak down, I
 3 mean, it could pinch you; and I mean, it could create a
 4 pinch point if somebody was, you know, was inside of it,
 5 which you know, sometimes it happens people will be
 6 inside of it. And it always bothered me. I never would
 7 do it. But if you got each one of these apart and the
 8 cope and drag apart and you don't put the bars in to
 9 lock it in place to keep it from falling down in case
 10 hydraulics lets go and that leaks down on it, it is
 11 going to create a serious pinch point.
 12 Q. But if the bars were in there, the pinch
 13 point wouldn't be created, correct?
 14 A. Yes.
 15 Q. Did you know if the hydraulics were leaking?
 16 A. Excuse me?
 17 Q. Were the hydraulics leaking?
 18 A. Leaking where?
 19 Q. On the Sutter machines. To your knowledge
 20 were they leaking?
 21 A. Well, we always had leaks on the Sutter
 22 machines. You could go down into the basement at any
 23 time, and if nobody reported it, you would find
 24 hydraulics leaks everywhere. You have four different
 25 machines and the hydraulics pump, I can't remember if

1 A. Yeah, the light curtain is if you were taking
 2 and there is a beam come across there, a light curtain
 3 or whatever and however it is made up, if you break it,
 4 then it stops wherever it is at in the cycle. That is
 5 how it is supposed to work.
 6 Q. Did you work on the Sutter machines at all
 7 after Simpson's accident?
 8 A. No.
 9 Q. To your knowledge did anyone ever tell an
 10 employee to get into a machine when, I mean, get into a
 11 machine, climb between the gashead and the cope or the
 12 cope and the drag? Did you climb in between the cope
 13 and the drag?
 14 A. Yes, you can get in between the cope the
 15 drag.
 16 Q. Did anyone ever tell, any supervisor ever
 17 tell an employee to climb into a machine, put their head
 18 or body into the machine without turning the power off
 19 first?
 20 A. They never told me; but as far as anybody
 21 else goes, I really couldn't tell you, you know. Unless
 22 I was there to hear the conversation, I just have no way
 23 of telling you.
 24 Q. Did you ever hear a supervisor tell an
 25 employee to get into the machine without having locked

1 A. Yes.
 2 Q. Can you please tell me what you observed when
 3 you came over to the machine?
 4 A. What I observed was Carl Simpson laying in a
 5 pool of blood.
 6 Q. Where was he laying in this pool of blood?
 7 A. In the helper's spot there in the floor.
 8 Q. You said the helper's spot in the floor?
 9 A. Where he stood when he worked his little
 10 space.
 11 Q. Was this inside the machine or outside the
 12 machine?
 13 A. Outside of the machine. Well, I mean, you
 14 have two machines stuck together and his spot is on the
 15 inside.
 16 Q. We have seen some photos that have been
 17 produced in this case and some of them show some blood
 18 on the cope or the drag and also another photo that --
 19 Randy or Scott or Patty, you can correct me if I am
 20 wrong -- that show a chisel or a hammer laying on the
 21 cope or the drag.
 22 My question to you, Mr. Lambert, is did you
 23 actually look into the machine or on the machine to see
 24 if there was anything there when you came over right
 25 after this incident occurred?

1 A. No. I was more worried about my friend
 2 laying there bleeding.
 3 Q. Okay. So as you sit here today, you cannot
 4 remember if you saw a chisel or a hammer or anything
 5 inside or outside the machine like an object such as a
 6 hammer or a chisel or something that might be used to
 7 remove stickers?
 8 A. The only thing I know is later when I come
 9 back from the hospital they had had the place roped off,
 10 and they was still laying there in that spot where I
 11 seen the picture that they had. And that is, it was
 12 laying there in that spot on top of the cope.
 13 Q. What was laying there?
 14 A. The hammer and a chisel. And whether it was
 15 there when the accident happened, I have no idea,
 16 because I was more worried about other things.
 17 Q. How long were you at the hospital for?
 18 A. I was there for probably about 45 minutes to
 19 an hour until they life-flighted him from the Ironton
 20 Hospital to Cabell Huntington.
 21 Q. And that is when you went back and saw the
 22 chisel and the hammer on the cope?
 23 A. Yes, yes. Went back over to observe the
 24 scene because of my position on the Safety Committee and
 25 I knew that they would want us to investigate to find

1 out what happened.
 2 Q. Who was responsible for roping -- you said
 3 this area was roped off. Who was responsible for doing
 4 that roping off?
 5 A. I really have no idea. It was done after I
 6 left. I just really have no idea. We were keeping
 7 people back at the time. Whenever the accident
 8 happened, we had some guys and they were just keeping
 9 people back out of the way so that the emergency crew
 10 could get in. And then I left as the ambulance left.
 11 And the roping it off of the area was done while I was
 12 gone. They even took the guys from the other Sutter on
 13 that side and took them out and didn't let anybody get
 14 in there.
 15 Q. Did you ever use the hammer and chisel when
 16 you worked on the Sutter machines?
 17 A. That particular one?
 18 Q. Uh-huh.
 19 A. I really have no idea. There is so many of
 20 them around. They change places and some of them even
 21 had their own that they kept in a locker. So I really
 22 have no idea.
 23 Q. And what were they used for?
 24 A. For knocking out stickers.
 25 Q. And is that the term that is used to get sand

1 out of the cope or the drag?
 2 A. Yes. They are called stickers.
 3 Q. Would you have locked out the machine before
 4 you did that procedure?
 5 A. Would I?
 6 Q. Yes.
 7 A. Yes, ma'am.
 8 Q. Did you ever observe Mr. Simpson not lock out
 9 the machine before getting a sticker out?
 10 A. Partially, no, because any time that I was
 11 around him when he worked, if he worked with me, then I
 12 always lock it out.
 13 Q. Did anyone ever tell you that he did not lock
 14 out the machine before removing a sticker?
 15 A. No.
 16 Q. I'm sorry, I couldn't hear your answer.
 17 A. No, you know, nobody has ever told me he
 18 never locked it out. That is, I have no idea.
 19 Q. You described earlier how after the Sutter
 20 was locked out that before operators would start running
 21 the machine again, besides unlocking the electric, the
 22 hydraulic and the pneumatic, they would also go to the
 23 other side of the machine which you called the front to
 24 stick a pin in some type of valve?
 25 A. Yes.

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1 the machine prior to that?
 2 A. Other than what was known by, you know, that
 3 was told to me of what may have happened on those
 4 machines. I worked on those machines some during that
 5 time, you know. What happened before the time that I
 6 actually hired into the plant, I really have no idea.
 7 But what time that I actually bid onto the I-beam as a
 8 permanent employee in that department, you know, I
 9 worked on the Sutters off and on the whole time.
 10 Q. Did you ever advise Bill Purdue that the
 11 hydraulic activation valve should be moved to the
 12 operator's station?
 13 A. We had tried to get them to move, to either
 14 move it or make them have the helper stand out in the
 15 gangway away from the machine while it was being started
 16 back up. We kind of went back and forth over that and
 17 tried to get it moved or to have the helper stand out
 18 away from the machine.
 19 Q. When did you discuss that with Bill Purdue?
 20 A. During our time, during my time there when I
 21 was on the Safety Committee. When Tom and I started in
 22 there, that was a big concern of our committee because
 23 that is what we got the most complaints on was actually
 24 the I-beam department in itself and the Sutters more so
 25 than anything else in the department.

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1 Q. Was that before or after September of 1999?
 2 A. That was before September of 1999.
 3 Q. When you were on the Safety Committee was
 4 there any other Directors of Safety other than Bill
 5 Purdue for Internet during the time that you were on the
 6 Safety Committee?
 7 A. No. The time I was on there, it would have
 8 been Bill Purdue. I think it was him. I am trying to
 9 think if Mike, that we had another guy there named Mike
 10 Kazino that was a safety representative for, but I think
 11 it was just him that I dealt with.
 12 Q. What was Mike Kazino's title?
 13 A. The same as what Bill Purdue would have been,
 14 he was in charge of safety or --
 15 Q. You had testified earlier that sometimes
 16 something would happen on the machine where you would
 17 call maintenance in?
 18 A. Yes.
 19 Q. Who was in charge of maintenance during the
 20 time period that you worked on the Sutters?
 21 A. They were kind of back and forth as to who
 22 they said. Lee Cherry was, and then it was Danny
 23 Mullins. But they were both, I don't know if they were
 24 both equal or not, but sometimes you would have Lee
 25 Cherry there and other times it would be Danny Mullins.

1 Q. Did you ever perform maintenance on the
 2 Sutters?
 3 A. Maintenance? No maintenance other than the
 4 only thing I ever did was clean.
 5 Q. You had testified earlier, though, on some
 6 production issues of some foremen pushing production
 7 with you; is that correct?
 8 A. Excuse me, say that again?
 9 Q. Encouraging you to produce more molds or
 10 faster production? Did you testify to that? Or correct
 11 me if I am wrong.
 12 A. I don't know so much it was that, where we
 13 were talking about my time when I bid onto the, took a
 14 permanent job on the Sutter and they were hollering that
 15 I wasn't putting out; but I was actually putting out as
 16 much as everybody else, just about as much as everybody
 17 else was, maybe a little bit less because I was doing my
 18 safety procedures when I cleaned the pattern and
 19 everything like I was supposed to.
 20 Q. And just so that I or someone else reading
 21 this transcript later, for clarification when you say
 22 putting out on the Sutters, is that how many molds you
 23 are creating during a shift or --
 24 A. During a shift, yes.
 25 Q. Or how long the machine is being run during a

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1 shift or whether it is being shut down? How was that
 2 determined?
 3 A. How many molds they counted, how many molds
 4 you made. And you kept your up-time and downtime, but
 5 what they were mainly concerned about was how many molds
 6 you put out.
 7 Q. And how many molds did you put out on an
 8 average shift?
 9 A. Gosh, I can't really remember. I would say
 10 probably you would find one machine that might put out a
 11 little bit more, but I would say on an average of 400 to
 12 500 a shift. That is if you could keep it running
 13 right.
 14 Q. Were you as an operator or helper responsible
 15 for keeping track of how many molds were put out per
 16 shift?
 17 A. It was done by the computer.
 18 Q. And who was in charge of that?
 19 A. Well, there was a station right there with me
 20 and it just counted every one that you put out. If I
 21 had a bad one, you know, then I would take and mark it,
 22 but you still done that on the computer, you would mark
 23 that was a bad mold and the computer would just take it
 24 off of your total count.
 25 Q. So you as an operator or helper on the

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1 Sutter, you are responsible for keeping your own
2 production count?
3 A. Yeah, the computer kept it. I didn't
4 personally sit there and write down every time I made a
5 mold. The computer kept it. And all I had to do was if
6 I made a bad mold, turn around and hit a button and tell
7 the computer that was a bad mold. And other than that,
8 at the end of the shift I would write down how many I
9 made and turn it in.
10 Q. Who did you turn it in to?
11 A. Turn it into your foreman, whoever is in
12 charge of that particular space where you are at.
13 Q. You said because you observed the lockout,
14 tagout and safety procedures that you produced less than
15 other operators; is that correct?
16 A. Yeah, sometimes I would put out a little bit
17 less, not like a big noticeable amount, but I would put
18 out a little bit less because it would take me a little
19 bit longer to get the sticker out because I was doing it
20 correctly and safely.
21 Q. How many less than 400 to 500 would you
22 produce because of that?
23 A. You are looking at a cycle runs about, it
24 puts out a mold every 50 seconds. You know, I might
25 have maybe 30 or 40 less. That is if nothing big

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1 mechanical happens. If it is just me cleaning out
2 stickers or something like that, I might make 30 or 40
3 less as long as, you know, if I have a few problems with
4 it and I get a lot of stickers. You know, if I don't
5 get a lot of stickers I will keep right up with
6 everybody else. But you might have major mechanical
7 things that goes wrong too. Hoses bust, cylinders bust,
8 a top lock will bust on you, the gashead will crack on
9 you, gas seal will bust on you. There is just so many
10 different things that can happen.
11 Q. What would you consider a lot of stickers?
12 A. What I consider a lot of stickers?
13 Q. Uh-huh.
14 A. Well, a lot would be me having to stop every
15 time and clean it. But you know, I am just saying, you
16 know, if you might have to stop every 20 or 30 passes to
17 clean it, there is generally something wrong. And then
18 most of the time it is in the pattern itself, the way
19 the pattern was prepared.
20 Q. You said 20 or 30 patches, or patterns?
21 A. I am sorry? Passes, P-A-S-S-E-S.
22 Q. What is a pass?
23 A. Every time it makes a mold. Every cycle, how
24 about that?
25 Q. Okay. So you considered it to be a lot of

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1 stickers if every 20 to 30 molds you needed to get
2 stickers out?
3 A. Yes. That is generally because the pattern,
4 maybe the pattern was not prepared the night before, or
5 when the pattern was put on the machine it wasn't
6 leveled right and you know there is something wrong.
7 Q. Who prepares the patterns?
8 A. We had a pattern shop that took care of them
9 whenever you might run that pattern for a couple of days
10 and then it would have to take it off because it would
11 get so dirty because of the resin and sand and the gas
12 and everything, and they would have to take it and do a
13 thorough cleaning of it. They would take it to a -- we
14 had a pattern shop that was there inside the plant that
15 it was supervised by company personnel but it was manned
16 by union people.
17 Q. Did you have your own keys for the locks on
18 the Sutter machines when you worked on the Sutter
19 machines?
20 A. I have had my own locks and my own keys, yes.
21 Q. Did all of the operators and helpers have
22 their own locks and keys for the Sutters?
23 A. They were supposed to. Whether they all did
24 or not, I really don't know, but they were all supposed
25 to.

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1 MS. BRIDE: Randy and Scott, do you all have
2 questions?
3 MR. LAMBERT: Let's just take one minute. We
4 will see. We may have one or two or we may not. It
5 depends on if Scott talks me out of it.
6 (Recess taken.)
7 MR. LAMBERT: We don't have any questions. Do
8 you have any more?
9 MS. BRIDE: No.
10 MS. PRYOR: I just have one follow-up real
11 quick.
12 CROSS-EXAMINATION
13 By Ms. Pryor:
14 Q. Mr. Lambert, Ms. Bride asked you some
15 questions about the hydraulic valve, and you talked
16 about that you had talked with Bill Purdue about this,
17 the placement of the hydraulic valve?
18 A. Yes, either the movement of it or having the
19 helper come out. I think there was some other things
20 that was thrown in there, like you know, some sort of
21 light curtain, we had talked about before, we had talked
22 about a light curtain that they had had one there once
23 before; they took it off, they said it was a nuisance.
24 But as far as safety-wise, we was talking about trying
25 to put something like that back on there or the movement